

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ROBERT N. MUELLER,

Plaintiff,

v.

CENTRE COUNTY, et al.,

Defendants.

CIVIL ACTION NO. 3:10-CV-708

(Judge Caputo)

(Magistrate Judge Blewitt)

MEMORANDUM ORDER

On April 2, 2010, Plaintiff Robert Mueller ("Mueller") filed the present action in the United States District Court for the Middle District of Pennsylvania. (Doc.1.) On April 23, 2010, Magistrate Judge Blewitt screened Plaintiff's action pursuant to 28 U.S.C. § 1915 for legal sufficiency and rendered a Report and Recommendation ("R&R") that portion of the case be dismissed, and that objections were due on or before May 10, 2010. (Doc. 11.) The R&R was mailed to Mueller's last known address, Centre County Correctional Facility, on April 23, 2010. Plaintiff was housed at SCI-Centre County when he initiated the action. (Doc. 1.) Our order was returned to the court on May 10, 2010, marked as undeliverable. (Doc. 12.) The court has independently confirmed that Mueller was released from SCI-Centre County on or about May 6, 2010. Mueller has not notified the court of his change of address as required by this court's Standard Practice Order, issued April 2, 2010. (Standing Practice Order 4, Doc. 6.)

The Standing Practice Order provides, in relevant part, that a pro se plaintiff has the affirmative obligation to keep the court informed of his address. (Standing Practice Order 4.) The order further provides that if the court is unable to communicate with the petitioner

because the plaintiff has failed to notify the court of his address, the plaintiff will be deemed to have abandoned the lawsuit. (Standing Practice Order 4). Mueller's failure to advise the court of his current whereabouts means this case cannot proceed. Therefore, Mueller is deemed to have abandoned this case, and the case will be dismissed without prejudice.

NOW, this 24th day of May, 2010, **IT IS HEREBY ORDERED** that:

- (1) Plaintiff Robert N. Mueller, Jr.'s Complaint (Doc. 1) is **DISMISSED** without prejudice, as it has been abandoned.
- (2) Plaintiff's Motion For Leave to Proceed In Forma Pauperis (Doc. 3) is **DENIED AS MOOT**.
- (3) Magistrate Judge Blewitt's Report and Recommendation (Doc. 11) is **REJECTED AS MOOT**.
- (4) The Clerk of Court is directed to mark this case as **CLOSED**.

/s/ A. Richard Caputo
A. Richard Caputo
United States District Judge